

elsewhere in TILA and EFTA to permit individuals to file private actions against gambling establishments that violate these restrictions.

Mr. Speaker, the National Commission's report confirms that legalized gambling has become a national phenomenon. While it is unreasonable to think we can stop its growth, we can take reasonable measures to help minimize the potential financial strain and anguish for American families. My legislation does not prohibit casinos, racetracks and other gambling facilities from providing or using credit card, ATM and debit card devices. It merely requires that these devices be used for the purposes they were intended and not to encourage irresponsible or problem gambling.

I believe this is reasonable and worthwhile legislation. I urge its adoption by the Congress.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gambling ATM and Credit/Debit Card Reform Act."

SEC. 2. IMPLEMENTATION OF THE NATIONAL GAMBLING COMMISSION'S RECOMMENDATIONS RELATING TO BANKING AND CREDIT.

(a) INITIATION OF ELECTRONIC FUND TRANSFERS IN GAMBLING ESTABLISHMENTS.—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 918, 919, 920, and 921 as sections 919, 920, 921, and 922, respectively; and

(2) by inserting after section 917 the following new section:

"SEC. 918. PLACEMENT OF ELECTRONIC TERMINALS IN GAMBLING ESTABLISHMENTS.

"(a) IN GENERAL.—No person may place, or cause to be placed, an electronic terminal in the immediate area of a gambling establishment where any form of wager or bet is made or accepted, any game of chance is played, any gambling device is used, or any other form of gambling is carried on.

"(b) REGULATIONS.—

"(1) IN GENERAL.—The Board will prescribe such regulations as the Board may consider to be appropriate to ensure that the initiation of electronic fund transfers by consumers is kept, to the extent practicable, physically segregated from any activity described in subsection (a).

"(2) SEPARATE SETTING.—Such regulations shall include a clear delineation of the setting in which, and the circumstances under which, electronic fund transfers should be conducted in a location physically segregated from an area where any activity described in subsection (a) is routinely carried on.

"(c) LIABILITY.—For purposes of section 915, a failure to comply with the requirements of subsection (a) with regard to any electronic terminal shall be considered a failure to comply with a provision of this title with respect to any consumer who initiates an electronic fund transfer at such terminal while such violation continues.

"(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) GAMBLING DEVICE.—The term 'gambling device' has the meaning given to such term in section 4131(b) of title 49, United States Code.

"(2) GAMBLING ESTABLISHMENT.—The term 'gambling establishment' has the meaning given to such term in section 1081 of title 18, United States Code."

(b) USE OF CREDIT CARDS TO INITIATE EXTENSIONS OF CREDIT IN GAMBLING ESTABLISHMENTS.—

(1) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

"SEC. 140 PROHIBITION ON INITIATION OF EXTENSIONS OF CREDIT IN CERTAIN GAMBLING AREAS WITHIN GAMBLING ESTABLISHMENTS.

"(a) IN GENERAL.—No person may—

"(1) place, or cause to be placed, an electronic terminal; or

"(2) otherwise accept the use of a credit card by a consumer to initiate a consumer credit transaction to pay for money, property, or services obtained by the consumer, in the immediate area of a gambling establishment where any form of wager or bet is made or accepted, any game of chance is played, any gambling device is used, or any other form of gambling is carried on.

"(b) REGULATIONS.—

"(1) IN GENERAL.—The Board shall prescribe such regulations as the Board may consider to be appropriate to ensure that the use of an electronic terminal or the use of a credit card to initiate a consumer credit transaction to pay for money, property, or services obtained by a consumer is kept, to the extent practicable, physically segregated from any activity described in subsection (a).

"(2) SEPARATE SETTING.—Such regulations shall include a clear delineation of the setting in which, and the circumstances under which, any use of an electronic terminal or credit card referred to in paragraph (1) should be conducted in a location physically segregated from an area where any activity described in subsection (a) is routinely carried on.

"(c) CIVIL LIABILITY.—

"(1) IN GENERAL.—Any person who fails to comply with any provision of this title with respect to any electronic terminal or the acceptance of a credit card to initiate a consumer credit transaction at a place in a gambling establishment that constitutes a violation shall be liable to any consumer who uses the electronic terminal or provides a credit card at such place in an amount equal to the sum of the amounts determined under each of the following subparagraphs:

"(A) ACTUAL DAMAGES.—The greater of—

"(i) the amount of any actual damage sustained by the consumer as a result of such failure; or

"(ii) any amount paid, directly or with the proceeds of the credit transaction, by the consumer to such person.

"(B) PUNITIVE DAMAGES.—

"(i) INDIVIDUAL ACTIONS.—In the case of any action by an individual, such additional amount as the court may allow.

"(ii) CLASS ACTIONS.—In the case of a class action, the sum of—

"(I) the aggregate of the amount which the court may allow for each named plaintiff; and

"(II) the aggregate of the amount which the court may allow for each other class member, without regard to any minimum individual recovery.

"(C) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under subparagraph (A) or (B), the costs of the action, together with reasonable attorneys' fees.

"(2) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any person under paragraph (1)(B), the court shall consider, among other relevant factors—

"(A) the frequency and persistence of noncompliance by such person;

"(B) the nature of the noncompliance;

"(C) the extent to which such noncompliance was intentional; and

"(D) in the case of any class action, the number of consumers adversely affected.

"(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) ELECTRONIC TERMINAL.—The term 'electronic terminal'—

"(A) means an electronic device, other than a telephone operated by a consumer, through which a consumer may initiate a consumer credit transaction in payment for any money, property, or services obtained by the consumer; and

"(B) includes point-of-sale terminals, automated teller machines, and cash dispensing machines.

"(2) GAMBLING DEVICE.—The term 'gambling device' has the meaning given to such term in section 4131(b) of title 49, United States Code.

"(3) GAMBLING ESTABLISHMENT.—The term 'gambling establishment' has the meaning given to such term in section 1081 of title 18, United States Code."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 139 the following new item:

"140. Prohibition on initiation of extensions of credit in certain gambling areas within gambling establishments."

DEATH OF HON. GEORGE E. BROWN, JR.

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. LUTHER. Mr. Speaker, Congressman George Brown will be sorely missed not only by his constituents in California but also by those of us who had a chance to work with him here in Washington.

George will always be remembered as someone who looked to the future. As a member, and later chairman, of the Science Committee, he showed his devotion to new technology and space exploration. He fought hard for solar energy and fuel alternatives. I had the pleasure of serving on the Committee with him, and I can say I am indebted to him for his responsible, far-sighted leadership.

Equally important, George brought solid values to Washington—devotion, honesty, and hard work. He shunned petty personal attacks and negative political games. His dignity and decency earned him the respect of his colleagues. He leaves a void that will not easily be filled. Thank you George, for setting a high standard for public service in America.

IN MEMORY OF THE HONORABLE GEORGE E. BROWN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to a dedicated public servant and friend of many years, George Brown. We met and began working together in this great body when he joined me here in 1963. Almost from the start, George began following his own path in Congress, but in doing so he served his constituents, country, and friends as well as any Member has served those that they represent.